

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TROY TERRELL MCNEAL,

Petitioner,

No. CIV S-05-0577 MCE CMK

vs.

PEOPLE OF THE STATE OF
CALIFORNIA, et al.,

Respondents.

ORDER

The petitioner has named an improper respondent in this action. See Stanley v. California Supreme Court, 21 F.3d 359, 360 (9th Cir. 1994).¹ Accordingly, the petition must be dismissed with leave to amend. See Stanley, 21 F.3d at 360.

In accordance with the above, IT IS HEREBY ORDERED that:

1. The court's order filed April 5, 2005 is vacated;
2. The Petitioner is given thirty days from the date of this order to file an

¹ On April 12, 2005, the court advised petitioner that he named an improper respondent. This order is meant to clarify any ambiguity caused by orders filed on April 5, 2005 and April 12, 2005. The respondents are no longer directed to respond to the petition because petitioner has improperly named the People of the State of California as a respondent. In this order the plaintiff is given another thirty days to file a proper petition.

1 amended petition that names the proper respondents, states all claims and prayers for relief ,
2 bears the case number and the title “Amended Petition;” and

3 3. If a form was not sent pursuant to the court order filed April 12, 2005, the
4 Clerk of Court is directed to send petitioner the form for habeas corpus application.

5 DATED: May 5, 2005

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9 /s/ CRAIG M. KELLISON
10 Craig M. Kellison
11 UNITED STATES MAGISTRATE JUDGE
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